

ESTTA Tracking number: **ESTTA1013956**

Filing date: **11/06/2019**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91245857
Party	Plaintiff Legacy.com, Inc.
Correspondence Address	STEVEN L BARON MANDELL MENKES LLC ONE NORTH FRANKLIN STREET SUITE 3600 CHICAGO, IL 60606 UNITED STATES sbaron@mandellmenkes.com 312-251-1009
Submission	Other Motions/Papers
Filer's Name	Dianne M. Smith-Misemer
Filer's email	dsmisemer@hovewilliams.com, litigation@hovewilliams.com
Signature	/Dianne M. Smith-Misemer/
Date	11/06/2019
Attachments	Consented Motion to Vacate Default Reinstate Opposition Amend Application and Dismiss Opposition.pdf(69547 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

LEGACY.COM, INC.,	)	
	)	
Opposer,	)	
	)	Opposition No. 91245857
v.	)	
	)	Serial No. 79/213,538
LASTING LEGACY ONLINE, LLC	)	Mark: LASTING LEGACY ONLINE
	)	
Applicant.	)	

**CONSENTED MOTION TO VACATE DEFAULT, REINSTATE CASE, AMEND  
APPLICATION AND DISMISS OPPOSITON WITH PREJUDICE**

Applicant, and with the consent of Opposer, moves to vacate the Board’s November 4, 2019 Notice of Default. Specifically, Applicant and Opposer had reached a settlement by November 4, 2019 and accordingly request that Opposition No. 91245857 be reinstated.

Applicant, with Opposer’s consent, further moves to amend Application Serial No. 79/213,538 for the mark LASTING LEGACY ONLINE Pursuant to TBMP §§ 212.07 and 514, by deleting “providing information relating to funerals, memorials, obituaries, and funerary and memorial products and service” from Class 045. Class 045 would read as follows:

Providing an online database featuring information, photos, photo albums, images, and other data relating to family histories, autobiographies, biographies, historical records, and genealogy; providing information related to family histories, autobiographies, biographies, historical records, and genealogy;

Contingent upon the Board’s approval of the consented proposed amendment, the parties, through their undersigned counsel stipulate that the Opposition shall be dismissed with prejudice.

Respectfully Submitted,

BARON HARRIS HEALEY

HOVEY WILLIAMS, LLP

By: /s/ Steven L. Baron  
Steven L. Baron

By: /s/ Dianne M. Smith-Misemer  
Dianne M. Smith-Misemer

Counsel for Opposer  
Legacy.com

Counsel for Applicant  
Lasting Legacy Online, LLC